

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

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2010 MAY -5 P 2:38

Tyrus E. Day,

Plaintiff,

v.


Civil Action No. 0:10-163-SB

Detective Prosser; Detective Timothy
Ramsey; Detective Starkie; Sgt. B.
Adams; Ptl. Sandler, Bryan, Gregory;
Officer Harry Roper; Ptl. Officer Cobb,
Darin; Ptl. Officer Webb; Assistant
Solicitor Larry Todd; Assistant Solicitor
Kriston D. Neely; Erica Michelle Rattiff;
Mr. Lavell Joyner,

Defendants.

ORDER

This matter is before the Court upon the pro se Plaintiff's complaint, which was filed pursuant to 42 U.S.C. § 1983. By local rule, the matter was referred to a United States Magistrate Judge for preliminary determinations.



On April 5, 2010, United States Magistrate Judge Paige J. Gossett issued a report and recommendation ("R&R") analyzing the Plaintiff's complaint and recommending that the complaint be dismissed without prejudice and without issuance and service of process with respect to the following Defendants: Assistant Solicitor Larry Todd, Assistant Solicitor Kriston D. Neely, Erica Michelle Rattiff, and Mr. Lavell Joyner. The Magistrate Judge recommended that the remaining Defendants be served. Attached to the R&R was a notice advising the Plaintiff of the right to file specific, written objections to the R&R within 14 days of the date of service of the R&R.

On April 16, 2010, when the Plaintiff's mail was returned as undeliverable, the Court

mailed a second copy of the R&R to the Plaintiff at his address of record. To date, this second mailing has not been returned as undeliverable, but the Plaintiff has apparently elected not to file written objections to the R&R.


Absent timely objection from a dissatisfied party, a district court is not required to review, under a de novo or any other standard, a Magistrate Judge's factual or legal conclusions. Thomas v. Arn, 474 U.S. 140, 150 (1985); Wells v. Shriners Hosp., 109 F.3d 198, 201 (4th Cir. 1997). Here, because the Plaintiff did not file any specific, written objections, there are no portions of the R&R to which the Court must conduct a de novo review. Accordingly, after review, the Court hereby adopts the Magistrate Judge's R&R (Entry 12) as the Order of this Court, and it is

ORDERED that the following Defendants be dismissed without issuance and service of process: Assistant Solicitor Larry Todd, Assistant Solicitor Kriston D. Neely, Erica Michelle Rattiff, and Mr. Lavell Joyner. Process shall issue for service on the remaining Defendants.

IT IS SO ORDERED.



May 4, 2010
Charleston, South Carolina


The Honorable Sol Blatt, Jr.
Senior United States District Judge